



PATENT  
Attorney Docket No.202.3  
Date: June 2, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Clarence N. Ahlem, et al. )  
App. No. : 09/820,483 )  
Filed : March 29, 2001 )  
For : Immune Modulation Method Using)  
Steroid Compounds )  
Examiner : Peselev, E. )  
Group Art Unit : 1623 )

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TRANSMITTAL

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Communication from the Office, which was mailed on May 2, 2003, regarding applicant's response to the restriction requirement transmitted herewith for filing is a supplemental amendment.

- (X) Please charge the excess claim fee of \$18.00 to **Deposit Account No. 501536**. A duplicate copy of this sheet is enclosed.
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- (X) Return prepaid postcard. Please stamp and return.
- (X) Please direct all correspondence to **Customer No. 26,551**.

HOLLIS-EDEN PHARMACEUTICALS, INC.

06-02-03  
Date

By Daryl D Muenchau  
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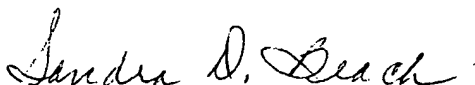
**CERTIFICATE OF FIRST-CLASS MAILING**

**Attorney Docket No.** : 202.3  
**Applicant(s)** : Clarence N. Ahlem  
**Serial No.** : 09/820,483  
**Filing Date** : March 29, 2001  
**For** : **IMMUNE MODULATION METHOD  
USING STEROID COMPOUNDS**  
**Attorney** : Daryl D. Muenchau, Registration No. 36,616  
**Date of Deposit** : June 2, 2003

I hereby certify that the accompanying

Amendment and Response to Communication from Patent Office, mailed on May 2, 2003 (in duplicate), Transmittal (in duplicate) and Return Postage Prepaid Postcard

are being deposited with the United States Postal Service First-Class Mail Post Office to Addressee service, pursuant to 37 CFR § 1.8, on the date indicated above and are addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Sandra D. Beach



Series No. 09/820,483

PATENT  
ATTORNEY DOCKET NO. 202.3

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[Signature]

THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 Applicant : Clarence N. Ahlem, et al.

Group Art Unit 1623

App. No. : 09/820,483

Filed : March 29, 2001

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Title : Immune Modulation Method Using  
Steroid Compounds

Examiner : E. Peselev

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**SUPPLEMENTAL AMENDMENT AND RESPONSE**  
**TO RESTRICTION REQUIREMENT**

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Assistant Commissioner for Patents  
Washington, D.C. 20231

25 Dear Sir:

Applicants submit this paper in response to the communication mailed on May 2, 2003 regarding Applicant's response to restriction requirement, which the Office mailed on August 23, 2002. In the May 2 communication, the Office asserted that Applicant's reply of January 28, 2003 was not responsive to the original restriction because Applicants filed new claims that encompassed subject matter outside the scope of the original claims and elected subject matter.

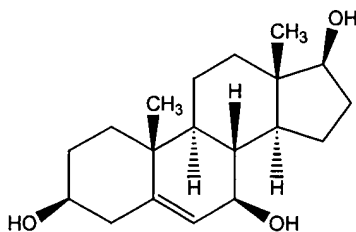
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On May 12, 2003, Applicant's attorney, the undersigned, spoke with Examiner Peselev to identify a suitable response for the original restriction. After discussing the application, Examiner Peselev agreed to examine the new claims and would accept Applicant's January 28, 2003 election of method and species as responsive to the original restriction provided that Applicants would cancel the original claims and point out the basis in the specification for the new claims. The

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present amendment cancels the original claims without prejudice and identifies the support in the original application for new claims. This amendment also cancels claims 55-82, which were added in Applicant's January 28, 2003 response. Previously submitted claims 55-82 are resubmitted in this amendment  
5 as claims 83-97, some of which are amended. The amendments adjust the scope of the independent claims to include the elected species.

Applicant's elected species and treatment method are now at claim 98, i.e., treatment of hypercholesterolemia using the compound



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Claims 83-87, 93-98, 100-101 and 107-111 read on this species. Upon entry of this amendment, Applicants will have complied with the original restriction requirement.